

acute ailments, bronchial congestion and chills; and effective as a treatment, remedy, and cure for sugar diabetes, stomach trouble, and nervousness.

On December 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of 5 cents.

M. L. WILSON, *Acting Secretary of Agriculture.*

24041. Misbranding of Pankoka. U. S. v. Pankoka Health Foods, Inc., Victor deVilliers, Nicholas P. Williams, Panaytos D. Panoulis, and Dr. Demetrius Mitsakos. Plea of guilty. Fines, \$150. (F. & D. no. 31533. Sample nos. 28237-A, 28254-A.)

This case was based on shipments of Pankoka, a product consisting essentially of chocolate, which was labeled with unwarranted curative and therapeutic claims. The label also represented that the article was a health food and complied with all pure food laws, which claims were false and misleading since it was not a health food and did not comply with the Federal Food and Drugs Act. The label failed to bear a statement of the quantity of the contents.

On September 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pankoka Health Foods, Inc., a corporation, trading at New York, N. Y., and Victor deVilliers, Nicholas P. Williams, Panaytos D. Panoulis, and Dr. Demetrius Mitsakos, officers of the said corporation, alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about May 8 and May 15, 1933, from the State of New York into the State of Illinois of quantities of Pankoka which was misbranded.

Analysis by this Department showed that the article was chocolate, sweetened and flavored.

The article was alleged to be misbranded under the provisions of the law applicable to drugs in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the boxes containing the article and in a circular and booklet enclosed therein, falsely and fraudulently represented that it was effective to insure health, to fortify and protect health, and to resist disease; effective as a health food; effective to throw off disease germs and bacteria in the early stages; effective to restore and constantly rebuild abused, broken down, and worn organs of the civilized human body; effective to build better and stronger bodies; effective to feed the vital cells, to soothe and strengthen the stomach and throughout the alimentary canal; effective to enrich the blood and strengthen and create a healthy condition of the heart, nerves and brain, to cause the entire system to become healthy and strong, the body vigorous, to calm the nerves and to make a great resistance to disease, to keep the person well, healthy, happy and normal; effective to relieve countless ailments, permanently and lastingly; effective as a relief for common and serious ailments such as nervous, run down, worn out, and exhausted cases, young or old, underweight, general debility, weakness, paleness (lack of blood), sickly, undernourished and underweight children, catarrh, influenza, grippe, indigestion, dyspepsia, digestive disturbances, constipation, chronic constipation, stomach trouble, intestinal disturbances, gastric complaints, lung infections, lumbago, rheumatism, neuritis, diabetes, acidosis, glycosuria, lost health, shattered nerves, impaired vitality, tuberculosis, chronic stomach troubles, hemorrhages, kidney complaint, kidney stones, stomach pains, throat trouble, gastric ulcers, nervousness, and bronchial and lung infections; effective to renew strength, endurance, and vigor and to fortify pregnant and nursing mothers with vital body elements; effective as a life saver; effective to rebuild and restore energy; and effective as the way to glorious health; to keep healthy folk well, and to give strength and build tissue in ailing people, to energize and to assist in restoring health to undernourished sickly men, women and children; and as a great aid in overcoming chronic constipation, and to stimulate the flow of gastric juices.

The article was also alleged to be misbranded under the provisions of the law applicable to food in that the statements, "Pankoka complies with all requirements of Pure Food Laws", "Health Food", "Health Foods" "Richest of Vitamins and food values", appearing in the labeling, were false and misleading in that they represented that the article was a health food and conformed to all requirements of the Food and Drugs Act of June 30, 1906; whereas

it was not a health food and did not conform to all the requirements of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 26, 1934, all defendants entered pleas of guilty, and the court imposed fines in the total amount of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

24042. Misbranding of Petrolene White Petroleum Jelly. U. S. v. 6,888 Jars of Petrolene White Petroleum Jelly. Default decree of condemnation and destruction. (F. & D. no. 31963. Sample no. 67116-A.)

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because the jars contained less than declared on the label.

On February 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6,888 jars of Petrolene White Petroleum Jelly at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 9, 1933, by the Western Petroleum Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Penn City Oil Company, Philadelphia, Pennsylvania."

Analysis showed that the article consisted of white petrolatum.

The article was alleged to be misbranded in that the statement on the label, "Net 2 Ounces", was false and misleading, since the weight of the contents of the jar was less than 2 ounces each. Misbranding was alleged for the further reason that the following statements on the jar label were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Remedy for * * * wounds * * * skin diseases, hemorrhoids * * * etc. Taken internally will relieve cough * * * sore throat, etc."

On January 16, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24043. Misbranding of Walker's Old Indian Health Tonic. U. S. v. 288 Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation and destruction. (F. & D. no. 32000. Sample no. 50774-A.)

This case involved a drug preparation the labels of which contained unwarranted curative and therapeutic claims.

On February 19, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended April 4, 1934), praying seizure and condemnation of 288 bottles of Walker's Old Indian Health Tonic at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about February 6 and February 16, 1934, by the Walker Co., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis by this Department showed that the article consisted essentially of magnesium sulphate, ferric chloride, and quinine sulphate, dissolved in water.

The article was alleged to be misbranded in that the following statements on the bottle labels, regarding its curative and therapeutic effects, were false and fraudulent: "Health * * * The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. Relieves Indigestion, * * * Biliousness * * * Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy, Loss of Appetite, Weakness, Tired Feeling, Stimulates and Purifies the Blood. Directions for Taking: Adults should take a tablespoonful in a little water, every two hours until it acts well on the bowels, then continue taking it three times a day, before meals. Should it act too freely, reduce the dose. Children in proportion to age."

On June 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*